



The Scottish Parliament
Pàrlamaid na h-Alba

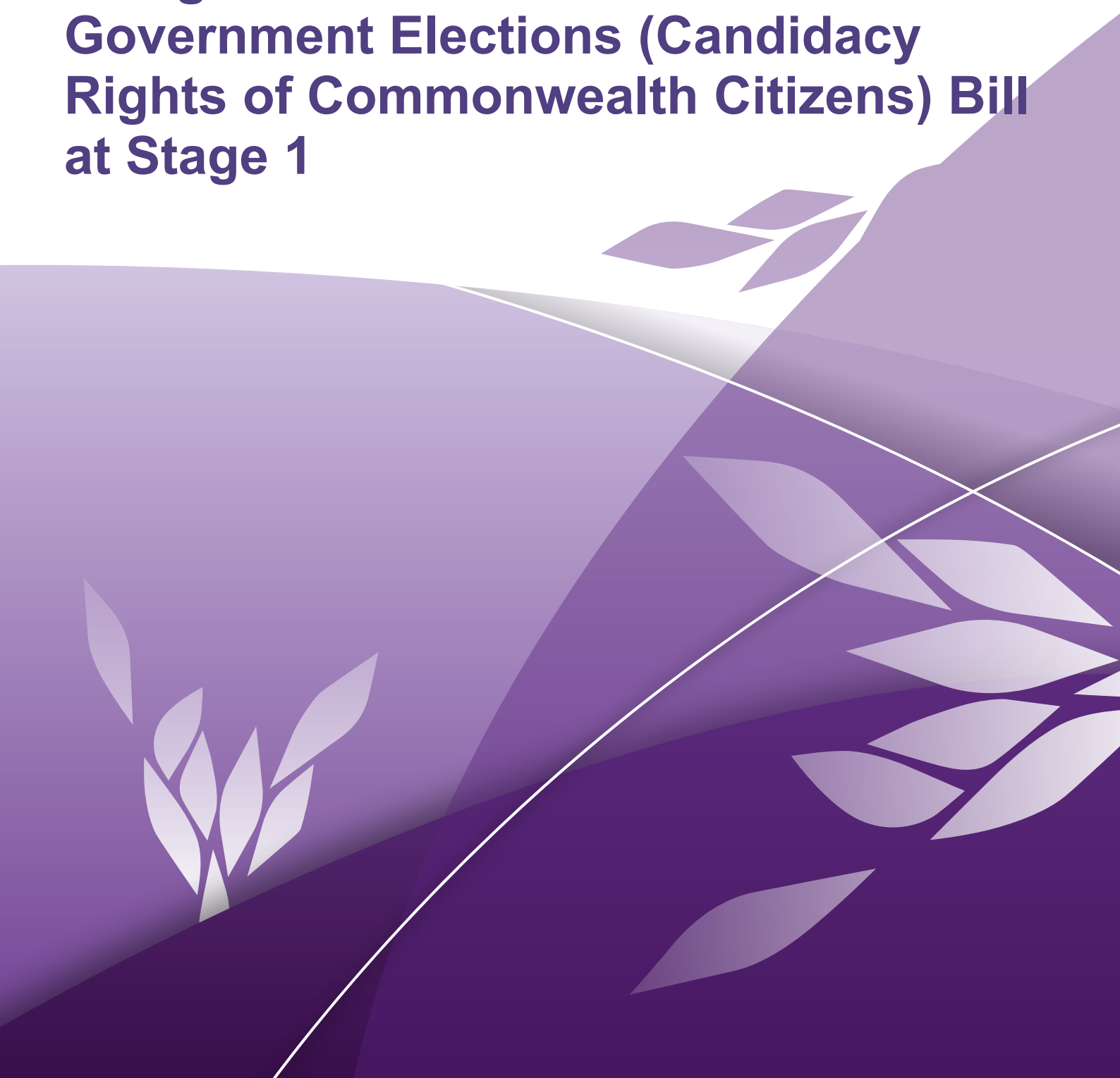
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5th Report, 2026 (Session 7)

Delegated Powers and Law Reform Committee

Delegated Powers in the Scottish Local Government Elections (Candidacy Rights of Commonwealth Citizens) Bill at Stage 1



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Delegated Powers and Law Reform Committee

To consider and report on the following —

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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Committee Membership



Convener
Calum Kerr
Scottish National Party



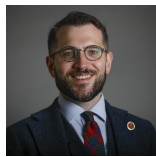
Deputy Convener
Q Manivannan
Scottish Green Party



Amanda Lindsay
Reform UK



Colm Merrick
Scottish National Party



Paul Sweeney
Scottish Labour

Overview of the Bill

1. The [Scottish Local Government Elections \(Candidacy Rights of Commonwealth Citizens\) Bill](#) was introduced by the Scottish Government on 9 September 2026. The lead committee is the Standards, Procedures and Public Appointments Committee.
2. The purpose of the Bill is to extend candidacy rights at Scottish local government elections to Commonwealth citizens with limited leave to remain in the UK. This is a single-issue Bill which will remedy an unintentional gap in candidacy rights which was identified after the commencement of the Scottish Elections (Representation and Reform) Act 2025 (“the 2025 Act”). The 2025 Act extended candidacy rights to foreign nationals with any form of leave to remain in the UK at Scottish Parliament and local government elections in Scotland. However, there was a legislative oversight and no provision was made extending candidacy rights at local government elections to Commonwealth citizens with limited leave.

Delegated Powers

3. The Bill contains one provision which confers a new delegated power. The Scottish Government has prepared a [Delegated Powers Memorandum \(“DPM”\)](#) which explains the Scottish Government’s reason for taking this power and for the choice of procedure.

Review of relevant power

Section 3: Ancillary provision

Power conferred on: Scottish Ministers

Power exercisable by: Regulations made by Scottish statutory instrument

Parliamentary procedure: Regulations will be subject to the affirmative procedure if they amend an Act but will otherwise be subject to the negative procedure.

Provision

4. Section 3 of the Bill confers on the Scottish Ministers a power to make any incidental, supplementary, consequential, transitional, transitory or saving provision that they consider appropriate for the purposes of, in connection with or for giving full effect to the Bill as enacted. This includes the power to make different provision for different purposes.

Committee consideration

5. This power is drafted in similar terms to the ancillary powers which are taken in almost all Bills. Its extent is restricted, as it can only be used to give full effect to the Bill as enacted or any provision made under it. The power allows the Scottish Ministers to address any ancillary issues that may arise. Without such a power, any changes would require primary legislation, which would be an inefficient use of the Parliament's time and the Scottish Government's resources.
6. The affirmative procedure applies where the power is exercised to make regulations that amend primary legislation, otherwise the negative procedure applies.

7. **The Committee is content with the power in principle and with the choice of procedure.**

